

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00159

Barry Emmett,
Plaintiff,

v.

TDCJ Corporation et al.,
Defendants.

ORDER

Plaintiff Barry Emmett, an inmate proceeding pro se, filed a civil-rights lawsuit under 42 U.S.C. § 1983, part of which was severed into the present separate action. Doc. 7. On April 27, 2022, the magistrate judge ordered plaintiff, who is barred from proceeding *in forma pauperis* absent circumstances not alleged in this case, to pay the filing fee for this new action within thirty days. Doc. 8 (citing 28 U.S.C. § 1915(g)). Plaintiff did not comply with that order.

Because plaintiff failed to comply with the court's orders and pay the required filing fee, the magistrate judge issued a report on September 1, 2022, recommending that this case be dismissed without prejudice. Doc. 12. A copy of the report was mailed to plaintiff, who received it on September 8, 2022, and did not file written objections. Doc. 13.

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. The court denies plaintiff leave to proceed without prepayment, and this case is dismissed without prejudice.

So ordered by the court on November 9, 2022.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER
United States District Judge